

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:08-md-1976-FDW

CONSTANCE SPINOZZI et al.,

Plaintiffs,

vs.

LENDINGTREE, LLC, et al.,

Defendants.

ORDER

THIS MATTER comes now before the Court upon Plaintiffs Bercaw and Shaver's "Motion for Substituted Service on Defendant Chapman Capital, Inc." (Doc. No. 28). Having reviewed the Motion, Plaintiffs' memorandum in support thereof, and the affidavits filed by Ms. Rosemary M. Rivas and Ms. Lori E. Andrus, the Court finds that the Defendant Chapman Capital, Inc.'s designated agent for service of process, Mr. Brian Rich, cannot be found with reasonable diligence. Therefore, and in accordance with California law, the Court orders that "service be made upon [Chapman Capital, Inc.] by delivering by hand to the [California] Secretary of State, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy, one copy of the process for each defendant to be served, together with a copy of the order authorizing such service." Cal. Corp. Code § 1702(a) (West 2009).

Plaintiffs' Motion is therefore GRANTED.

IT IS SO ORDERED.

Signed: March 17, 2009



Frank D. Whitney
United States District Judge

